Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

Claims 1 and 19 have been amended. Claims 1 and 4-20 remain pending in the application. Claims 1, 16, 19, and 20 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

Claims 1 and 19 have been amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Instant claim 1 specifies that the blood treatment unit includes, *inter alia*, a "display and input unit including a plurality of mode means *selectable to influence operation of a hemodialysis treatment*" (emphasis added). Support for the instant recitation is found, for example, at specification page 11, in the paragraph beginning with "[t]he options mode means 45a." The aforementioned paragraph discloses that the options mode means is reserved for extension functions which "*likewise influence* the course of *a haemodialysis treatment*" (emphasis added).

Claim 19 has been similarly amended. Entry of each of the amendments is respectfully requested.

With respect to claim 20, the rejection under § 112, second paragraph, is respectfully traversed. The terminology "mode means" does not appear in claim 20. Reconsideration and withdrawal

of the rejection with respect to claim 20 are respectfully requested.

35 U.S.C. § 102(b) – Ellingboe

Claims 1 and 4-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0085952 to Ellingboe et al. (hereinafter "Ellingboe").

The rejection of claims 1 and 4-20 under § 102(b) based on Ellingboe is respectfully traversed. For at least the following reasons, the disclosure of Ellingboe does not anticipate Applicant's claimed invention.

Instant claim 1 defines an embodiment of the invention in which

> the display and input unit includ[es] a plurality of mode means selectable to influence operation of a hemodialysis treatment that show various time modes of a blood treatment on the touch screen, the mode means being selectable by an operator via the touch screen and being arranged with respect to one another in order of their occurrence in time, and includ[es] at least one blood treatment preparation means, one blood treatment means, and one blood treatment after-preparation means, and
>
> the control unit [is] configured to
>
> (i) identify the respectively running time mode and to instruct the display and input unit to show the corresponding mode means selected from other mode means, by showing the other mode means in a first type of symbol and the selected mode means in a second type of symbol, and
>
> (ii) establish an end of at least one of the time modes in order to automatically initiate a beginning of a subsequent time mode and to communicate the initiation of the time mode to the display and input unit for changing the representation of the selected mode means.

Ellingboe's system is structurally and functionally different from Applicant's claimed blood treatment unit. The Office Action relies upon the disclosure of Ellingboe's Figure 30A and paragraph [0257] (in the paragraph bridging Office Action pages 3 and 4). But Applicant submits that Ellingboe fails to disclose Applicant's claimed features of "blood treatment preparation means," "blood treatment means," and "blood treatment after preparation means."

In addition, Ellingboe fails to disclose Applicant's claimed feature of *automatically* initiating a subsequent time mode. That is, the disclosure of Ellingboe's Figure 30A focuses on an electronic manual, including instructions to the user of the blood perfusion system. In the screen depicted in Figure 30A, for example, the headline reads "*Follow instructions and then press* 'Load' to go to Load screen" (emphasis added), and each of the depicted items is associated with an instruction to the user. Clearly, each of the depicted steps requires *user interaction*. Therefore, the disclosure of Ellingboe's Figure 30A teaches away from an *automatic* initiation of a subsequent mode of operation.

However, as emphasized in Applicant's Amendment filed August 9, 2010, an important feature of the instant invention is that it provides for the *automatic* selection of operating modes. That is, claim 1 requires in pertinent part that the control unit be configured to "(ii) establish an end of at least one of the time modes in order to *automatically initiate* a beginning of a subsequent time mode and to communicate the initiation of the time

mode to the display and input unit for changing the representation of the selected mode means" (emphasis added).

The aforementioned "automatic" feature ensures that the initiation of a subsequent blood treatment mode of a treatment schedule may be either operator selected or automatically initiated, with the touch screen optimally supporting both of these ways of switching the blood treatment mode.

Therefore, Ellingboe's device is different from the embodiment of Applicant's invention that is defined by instant claim 1. Since Ellingboe does not meet each feature of the claimed invention, Ellingboe does not anticipate the invention defined by claim 1. Claims 5, 6, and 10-15 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

Independent claim 16, which includes each feature of claim 1, is similarly allowable, as are dependent claims 17 and 18. Claim 16 defines an embodiment of the invention that includes a

> display and input unit including a plurality of mode touch screen areas that display modes of the blood treatment on the touch screen, the mode touch screen areas being selectable by an operator and being arranged sequentially on the touch screen in order of their occurrence in time during the blood treatment, and including at least one of the mode touch screen areas for each of a blood treatment preparation mode, a blood treatment mode, and blood treatment post-preparation mode.

Claim 16 also requires, in pertinent part, that the control unit be configured to "(ii) establish an end of at least

one of the modes in order to *automatically initiate* a beginning of a subsequent mode and to communicate the initiation of the subsequent mode to the display and input unit for changing the representation of the operating mode."

Since claim 16 includes at least the features discussed above with respect to the rejection of claim 1, Ellingboe similarly fails to anticipate the unit defined by claim 16.

Claims 17 and 18 are allowable because they depend from claim 16, and for the subject matter recited therein. As pointed out in Applicant's Amendment of November 19, 2009, claim 18, for example, defines an embodiment of the invention in which the touch screen area for the blood treatment preparation mode includes a touch screen area for each of a blood system mode 41a and a preparation mode 41b, and the touch screen area for the blood post-preparation mode includes a touch screen area for each of a re-infusion mode 43a and a purification mode 43b.

Independent claims 19 and 20 are similarly allowable. Claim 19 includes each feature of claim 1, and claim 20 includes each feature of claim 16. Claims 19 and 20 define embodiments of the blood treatment unit in which the individual operating mode displays remain permanently visible on the touch screen displays regardless of which mode may be in operation.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an

interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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